Published Weekly at Honolulu, Oahu, H. I. CHARLES GORDON HOPKINS, Editor.

BUSINESS CARDS.

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TEAN DE EL CO Office in the East corner of ' Makee's Block,' on Kaahumanu street, Honotulu,

Will receive deposits, Discount first class business paper, Attend to collecting, &c. &c. &c.

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Marine Street, opposite the Flour Mill. W. B. trusts that his long experience and his skill in horse shoeing, for which he can refer to a large number of gentle-men resident in Honolulu, will ensure him a share of public cutromage.

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has recommenced his Coopering Business at the stand corner of Fort and Hotel streets, and respectfully solicits a share of the public patronage. All orders promptly at-

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KING STREET, HONOLULU. THE SUBSCRIBERS WOULD INFORM THEIR Friends, Supmusters and the public generally, that they will be happy, at all times, to greet them at their new Shop on King street, cornerof Bethel street, near the Sailor's Home. Also, at their old stand, on Fort street, two doors below the Drug Store of Dr. Judd. All orders with which they may be favored, will be thankfully received and promptly attended to.

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Byron's Bny, Hilo, Hawaii. supplied with general Recruits, Wood, &c., at the shortest notice, and most reasonable terms in exchange for hills or goods adapted to the market. Wanted, Whaler's bills on the United States or Europe, for which money will be advanced on favorable terms. N B .- Storage for 3 or 4000 barrels taken at customary

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Thronometers Rated by observations of the sun and shortest n-stice, on reasonable terms. Whalers' Bills shortest n-stice, on reasonable terms.

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Opposite the Custom House, Having purchased the premises heretofore occupied by Mr. M. Matthews, are now prepared to execute Ship, Carriage and Cart work on the shortest notice and on the most reasonable terms, and they hope by strict attention to busi-ness to merit a share of the patronage hitherto bestowed

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Agents for the Aiko and Iwo Sugar Plantations, Hilo, Hawaii. KING STREET, HONOLULU.

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Ships supplied with Recruits at the shortest notice, on reasonable terms. Bills of Exchange wanted.

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Company at this piace, and are now prepared to insure risks against fire in and about Honolulu. Full particulars may be obtained at the office of the und-raigned.

MELCHERS & CO. The Northern Assurance Company, (Estab-

FOR FIRE AND LIFE ASSURANCE AT HOME AND CAPITAL £1,259,760 STERLING. The undersigned has been appointed AGENT for the Sandwich-slands. 71f ROBERT CHESHIRE JANION, at Honolulu.

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foreign Business Cards.

DICKINSON TYPE FOUNDRY. PHELPS & DALTON, BOSTON. L. P. Fisher, Agent, : : San Francisco.

Orders solicited for Type, Leads, Rules, &c. 26-tf CHARLES BREWER,

COMMISSION MERCHANT, Boston, U. S. Refer to R. W. Wood and C. BREWER 20.

HONOLULU, MAY 14, 1859.

CAMAÑO ISLAND.

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Puget Sound, Washgtinon Territory. MANUFACTURERS and Shippers of Masts, Vards and Spars, of all sizes Piles, Sparse Masts, Vards and Spars, of all sizes, Piles. Square limber, and Sawa Lumber, of all dimensions. Are prepared to furnish cargues at short notice, deliverable at their Steam Saw Mill, or at San Francisco. For terms, apply as above, or in San Francisco, to SAMUEL PRICE & CO. Agents.

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Regular Dispatch Line of Honolulu Packets. Particular attention paid to forwarding and transhipment of disc, sale of whalemen's bills, and other exchange, insurance of merchandise and specie under open policies, supplying whaleships, chartering ships, etc. 47 and 49 California-street.

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Will practice in all the Courts of Washington Territory, and at Victoria, V. I. ections made and other professional business attended to at all the principal Towns on Paget Sound.

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HOTELS &C.

Joe Roderick is on Hand!

THIS SEASON AT HIS WELL KNOWN RESTAURANT with his house newly fitted and furnished, where he will continue to serve his patrons with the choicest the market affords. Captains and officers of the ships will find this place most convenient, and all they can desire in the way of civil waiters, excellent supplies and first rate cooks.

N. B. Particular attention is invited to his new private rooms, where parties will be served at all hours with meals, weekly or to order. 19-tf

COMMERCIAL HOTEL. HENRY MACFARLANE begs to acquaint his friends and gentlemen arriving in Honolulu, that his hotel will be found to cossessevery requisite accommodation. Wines Spirits, Ale and Porter of superior quality. Suserior Billiard Tables and Bowling Alleys. Hot, cold and shower Baths. Corner of Beretania and Nunanu streets.

HOTEL De FRANCE,-French Hotel. VICTOR CHANCEREL, Proprietor, begs: oinform his friends and the public generally, that he has made extensive improvements in is hotel premises, that he now has accommodaions for parties of every description. Also, attached, a Bilitard Saloon, fitted up in superior style. Sleeping Rooms on the premises for families or single-gentlemen. The Far is supplied with the choicest wines and liquors, and the proprietor, gratefulfor the liberal patronage heretofore entend ed to him, begs to assure the public that no pains will be spared to give utire satisfaction to them and strangers visiting Hondulu. OOLD and WARM BATHS.
P.S Entrance by Fort, Botel and Unionsts.

The White Horse Hotel. W.M. PEARSON begs to inform his friends and the public generally, that he has made great improvement, on his emises, and that he has now every accommodation for Board ag and Lodgings. Rooms to be had, fornished or unfurnished His Bar will be well supplied with the choicest Wines pirits and Malt Liquors. The Proprietor hopes by strict attention to the wants of his

domers to merit a share of public natronage.

NATIONAL HOTEL, Corner of Nuuanu and Hotel streets.

THE UNDERSIGNED, Proprietor of the above establish-I ment, would inform his triends and the public, that with his extensive stock of the best brands of Wines and Liquors, new Billiard saloon, Bowling Alleys, and gentlemanly attendants, nothing is left wanting for their comfort and amuse ment. 22-iv JOSEPH BOOTH.

HOUSES, LANDS, &C.

THE HOUSE AND PREMISES AT PRESENT occupied by Captain T. Mossman, opposite the Flour Mill. Possession R. GILLLIAND.

For Sale or to Let. THAT DESIRABLE RESIDENCE CORNER FORT AND Chaplin streets. Possession given about the last of October next. Inquire of Honolulu, Sept. 16, 1858.

Coffee Plantation for Sale! THE CELEBRATED TITCOMB COFFEE antation, at Hanalei, Kauai, is offered for sale. be land of the plantation comprises apwards of 1050 Acres, and has upon it 50,000 Coffee Trees. The land is well adapted to the cultivation of Sugar Cane. The estate is unencumbered, and will be sold by Fee Simple Title. For full particulars and erms of sale, enquire of 7-11

TO LET-SLEEPING ROOMS. ENQUIRE OF MR. Int. For Sale, or to Let for the Season, with the Furniture!

THE TWO-STORY HOUSE SITUATED ON KING ST. below the Maine Hotel. It contains 13 rooms, well furnished, with Cook-House, Pantry, Store-Room, &c. For particulars, apply at the SAILORS HOME. ticulars, apply at the Purnished Rooms to Let.

TO LET. THE DESIRABLE PREMISES On King
Street, lately occupied by Williams & Jones. For particulars apply at the office of C. C. HARRIS, Or on the premises to

CHAMBERS, TWO IN SUITE. TO BE LET-EDEN CHAMBERS ON NUUANU ST. Rent for every two rooms, \$10 per month, payable in AT Apply to GEORGE WENTZEL. -

ROOMS TO LET-FROM \$1 PER WEEK. APPLY S. JOHNSON, House Carpenter.

To Let, FOR A TERM OF FIVE YEARS OR MORE, ON reasonable terms, that portion or LOT OF LAND, situated on Waiktki Plain (adjoining the lots on Thomas' Square), and belonging, in tee simple, to Mr. Joseph For terms and other particulars, apply by letter addressed to MR. JOSEPH HENRY RAY, or his Attorney, care of the Postmaster Honolulu.

For Sale or Lease. THE AMERICAN HOUSE, ON THE CORNER OF KING and Maunakea Streets, held in fee Enquire of MELCHERS & CO., or JOHN MONTGOMERY. Merchant Street.

For Sale or Lease. THAT NEW AND COMMODIOUS RETAIL STORE ON Maunakea street, tacing Hotel street, in Honolulu, lately occupied by E. Hoffmann 2d. Enquire of MELCHERS & CO, or JOHN MONTGOMERY, Merchant Street

Notice. LL PERSONS INDEETED TO THE CANTON HOTEL, OR A to the late Mr. John Bartlett, are requested to settle the same with the undersigned without delay, or their accounts will be passed to an Attorney for collection. D. P. TRUE, Executor.

Notice. THE Undersigned forbids all Persons trusting the Bay Horse Hotel, or otherwise, without his order.
D. P. TRUE.

Honolulu, June 16, 1855 .- 6-tf

NOTICE. NY PERSON TAPPING THE GOVERNMENT WATER A Pipes from this date, without a written permission from the Harbor Master, will be prosecuted. HENRY J. H. HOLDSWORTH, SHIPPING.

GRENNAN & CRANNEY, SANDWICH ISLANDS

PACKETS. ONLY REGULAR LINE FROM UNITED STATES. FIRST CLASS SHIPS

Will be dispatched quaterly from Commercial Wharf, Boston, for Honolulu, in the months of March, May or June, September For further particulars see special advertisements in daily pa-For freight or passage to, or Drafts on Honolulu, apply to HENRY A. PIERCE. Sandwich Islands Packet Office, 67 Commercial Wharf, or to

B. F. SNOW, Honolula, S. I.

AGENTS. New York, New Bedford. COOK & SHOW.

WELLS, FARGO & CO.'S EXPRESS, BY THE REGULAR PACKETS BETWEEN HONOLULU

For the speedy and safe conveyance of Merchandise, Coin, Letters and valuable parcels, to all parts of the

The Agents at Honolulu sell Bills of Exchange in sums to the erection of the Protestant Mission Church at Lahaisuit on Wells, Fargo & Co., San Francisco or New York.

Also Wells, Fargo & Co.'s franked U. S. Government envelopes which pass free over the California and coast routes, and over the Atlantic route from San Francisco to New York. Commissions and collections promptly attended to.
9-tf F. L. HANKS, Agent

foreign Advertisements.

NY MAN WHO PROFESSES TO UNDERSTAND A all trades and sciences, assumes to impose an absurdity upon the public. On the same principle, any medicine to "Waiokama;" that about the same time the late which professes to cure all diseases, is unworthy the high chief Hoapiliwahine, the wife of Hoapili, the then slightest confidence, and should at once be denounced as | Governor of the Island of Manai, took up her residence quack nostrum. The Grefenberg Family Medicines do not upon what is now the plaintiff's premises, for the purassume to cure all diseases with one cemedy. They have pose of being near the church, in the prosperity of eleven different medicines, each adapted to its peculiar disease; and time has proved, beyond a question, the efficacy and cer- she being also at the time feeble in body; that previous tainty of these preparations. Their list comprises the following medicines:

GRÆFENBFRG VEGETABLE PILLS; MARSHALL'S UTFRINE CATHOLICON; GRÆFENBERG SARSAPARILLA; GRÆFENBERG PILE REMEDY: GRÆFENBERG DYSENTERY SYRUP: GREEN MOUNTAIN OINTMENT; GR. EFENBERG CHILDREN'S PANACEA: GRÆFENBEKG CONSUMPTIVE'S BALM GRÆFENBERG EYE LOTION: GRÆFENBERG FEVER & AGUE REMEDY: GRÆFENBERG HEALTH BITTERS: GR. EFENBERG MANUAL OF HEALTH. For sale by all Druggists.

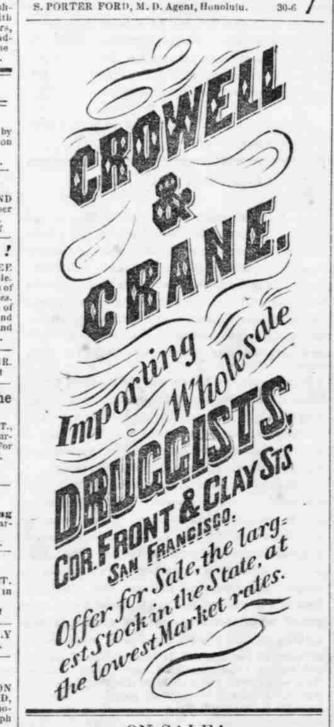
General Agents, REDINGTON & CO., Wholesale Druggists, San Francisco. S. PORTER FORD, M. D., Agent, Honolulu. 25-tf

GRÆFENBERG

MANUAL OF · HEALTH.

A HANDSOMELY PRINTED VOLUME OF 300 from the time Hoapiliwahine died until the year 1847 or 1848, the title to the premises was unsettled, but at scriptions of all manner of diseases, their symptoms and that time it was decided by the chiefs in council that treatment. Every family should have one. Price only the plaintiff was the owner, upon which occasion possession was relinquished by Mr. Kanaina to Governor 25 cents. It will be sent, post paid, to any Postoffice in Kekuanaoa, the plaintiff's father and natural Guarde Sandwich Islands, on the receipt of 25 cents by mail or ian, who had the care and control of his property express. Address Redington & Co., San Francisco. that in 1847, or the early part of 1848, Polea, as land

The Greefenberg Medicines are for sale by all Druggists and Apothecaries. General Agents, REDINGTON & CO., Wholesale Druggists, San Francisco.



ON SALE! TAX RECENT ARRIVALS, THE FOLLOWING CHOICE

assortment of GROCERIES, at the store of the undersigned: Preserves do Lobsters Fresh Apples do Quinces do Peaches do Pears French Capers Raspberry Jam Cranberry do Strawberry do, &c. &c. &c. French do Tins of Water, Butter, Sugar, Oyster, Soda & Wine Crack-Curry Powder Ground Cassia Smoked Hams do Black Pepper Ground Cloves Cream Tartar

Fresh Raisins

37-tf

FEE always on hand.

do Herrings Best Oolong Tea Preserved Salmon Green Corn Crushed Sugar Haxall Flour N B. FRESH ISLAND BUTTER and GROUND COF- under the law of this Kingdom, the control and man-

Pie Fruits Sauces

Mustard

Storage at Kawaihae.

stored.

Constantly on hand, IRISH POTATOES and SALT PROVISIONS.

Constantly on hand, IRISH POTATOES and SALT Solutely conclusive and binding upon the rights of the Royal Patent has placed the legal estate in Puchu, G W. MACY. plaintiff, is, in our opinion, equally clear. Kawaihae, November 13, 1858.

The Polynesian.

SUPREME COURT-IN Banco. LOT KAMEHAMEHA VS. J. D. KAHOOKANO, M. KENUI and A. Mogu.

Judge Robertson delivered the judgment of the

court, as follows : This is an action of trespass, brought at the last October Term of this court, by the plaintiff, Prince Lot Kamehameha, to recover damages from the defendants for cutting down a fence and entering upon a certain premises, the property of the plaintiff, situated in the town of Lahaina, and known as the " Hoapili premises." The defendants admitted the plaintiff's ownership, and their entry upon the premises, as alleged, but filed a plea of justification on the ground that there is a public right of way over the premises in question. The principal object of the suit being to test the validity of the claim to a right of way, it was stipulated by agreement of the parties that the case should go to trial before the Court, without the intervention of a jury, and that the plaintiff should not insist on the

with the pastor and his family, to pass thro

when she allowed all to pass through her premises;

agent of Mr. Kanaina, in carrying out some instruc-

shut up or obstructed the pathway, so that a petition

or complaint was sent to the Legislature, by certain

church members, praying that the way might be re-

finding the way shut up or obstructed by a stone wall

built by Polea, caused the obstruction to be removed,

in width, for the people, through the premises in ques-

tion, to the church gate; that subsequently the road

was worked and put in order, under the direction of

the Lunauuhau of the District, who at that time had

control of road-labor under the Governor; and that

from 1848 until 1857 the road was used by the public,

as a way to the church, without interference or dis-

Upon this state of facts, it is contended by the de-

way over the premises in question, either by prescrip-

So far as the defence rests upon the claim to a right

the land now occupied by the church and the Hoapili

premises, was but a by-path, crossing what was then

leading through the District, or around the Island.

entirely changed, by the enclosing of the church land

and Hoapili premises, and the erection of gates, shortly

after the church was built, so as to prevent its being

used as a public thoroughfure for all purposes. Its use

even as a way to the church was repeatedly and effect-

ually interrupted by Hoapiliwahine; so much so that

we cannot regard the partial enjoyment of the way

during her life time, as anything more than a permis-

sive use. It will not be denied for a moment, by the

defendants, or by any one acquainted with the state of

this country previous to the grant of a Constitution, in

1840, that Governor Hoapili, or his wife, Hoapiliwahi-

ne, could, at any time, before that, have shut up the

pathway in question, and entirely precluded all persons

from using it, their will being law in that respect, sub-

ject only to the control of the King himself. Hoapili-

wahine did, in fact, stop all persons from using the an-

cient path across her premises, but permitted the priv-

ileged class to use a pathway to the church, on the

makai boundary of the premises. The use of the way

by the public, from the death of Hoapiliwahine up to

the time of its interruption by Polea, was too short to

found a right by prescription. And, whether long or

short, it ought not, perhaps, to be allowed to operate

against the right of the plaintiff, inasmuch as during

that period, the title to the premises was in an unset-

tled state. For these reasons, we do not consider as

established, the justification set up by the defendants,

on the ground of a public right of way by prescrip-

the plaintiff, and having the care and control of his

eration; and that any such grant made by Governor

Kekuanaoa as such guardian, would not bind the plain-

guardian of the plaintiff, rightfully had and exercised,

any grant of a right of way over the plaintiff's land,

or any conveyance whatever of any part of his estate.

property, he being then a minor.

tiff after he became of age.

track of the road afterwards set off by Mr. Ii, near the

tion, or by express grant or dedication.

ty & Ritchie vs. Hurtz et als, 2 Peters' Rep. 566 ; Rex. vs. Lloyd, 1 Campbell's Rep. 260; Rex vs. Barr, 4 damages claimed in his petition. Campbell's Rep. 16; the Marquis of Stafford vs. Coy-The testimony adduced before us is quite voluminous, ney, 7 Barnewall & Cresswell's Rep. 257; Wood vs. and somewhat conflicting in its character, and we shall Veal, 5 Barnewall & Alderson's Rep. 454; Hobbs vs. not attempt to rehearse it at length. We understand UNITED STATES. CANADA AND EUROPE the evidence as proving, in substance, that previous to Lowell, 19 Pickering's Rep. 405. In the present case, it is contended that there was an express grant or dedication of a way to the public. over the plaintiff's premises. The question whether pathway running from the land called "Waiokama," there was or not, is a question of intent, to be decided through what is now the Church Lot and the Hoapili Premises, on towards the North side of Lahaina, which upon the evidence presented. Did Governor Kekuanapathway was not, however, the main public pathway on cause a way to be opened, and set off to the public, with the intention that it should be used by the public (or alaloa) which was situated some distance mauka, as a way to the church, without restriction or limitanear the course of what is now, and has been since 1850, tion? After careful consideration of the testimony, a public street; that soon after the erection of the church a stone wall was built by the people, separating we are satisfied that he did so. The setting out of the the Church lot from the Hoapili premises, with a gate way was an open and deliberate act, no circumstance transpired showing an intention to exercise any control or opening however, through which the people went whatever over its future use, or to indicate that the into and out of the church lot by the old pathway etting out of the way was to be understood merely as a license revocable. The public entered upon, and used it, without dispute or molestation, for a period of nine years, six or seven of which elapsed after the plaintiff attained the age of majority. The dedication to the which she and her husband took a lively interest, and public use was complete and unreserved, as a way to the church, but not for any other purpose; and the public must take and enjoy secundum formam doni. to the erection of the stone house which now stands Let judgment be entered as of the last October term, upon the premises, Hoapiliwahine lived in a grass house

favor of the defendants, with costs. near the foot path, where the plaintiff, her adopted son, Mr. Harris, for Plaintiff. according to ancient custom, and at that time an infant, Messrs. Austin and Kauwahi, for Defendants. lived with her under the care of his Kahu; that on account of the dust raised by the people passing through

the premises in the dry season, and the inconvenience SUPREME COURT--- In Equity. and annoyance resulting from the use of the pathway by the public, Hoapiliwahine placed a restriction upon | E. K. LARNUI VS. EMELIA PUOHU and GEORGE CAIS-

No. 2.

The act of the plaintiff's guardian being considered then, in this instance, as of the same force and binding

effect, as if the plaintiff had been a person of full age

and done the act himself, is it necessary, in order to

sustain the defendants' plea of a public right of way,

by grant or dedication, that such grant or dedication

should appear to be evidenced by a written instrument,

under seal, and to have been made upon a valuable

consideration? In answer to this, it might, perhaps,

be contended, on the part of the defendants, that so

far as the present case is concerned, this point is cov-

ered by the 54th section of the act of 1851, already

referred to. But, apart from this special consideration,

we are of the opinion that the question must be decid-

ed in the negative. We do not think that the position

that a grant or dedication of a way to the public, must be evidenced by a written instrument, and appear to

have been made for a valuable consideration, can be

sustained upon authority. On the contrary, we believe it to be sound law that, in the absence of any statutory

requirement on the subject, no particular form or cer-

mony is requisite in the dedication, by the owner of

the soil, of land to the public use ; and that such ded-

ication may be either express or implied. (See Beat-

it, permitting only the chiefs and upper class of people, The Chief Justice delivered the decision of the Court premises, while the mass of the congregation went to as follows: the church by the alalea, or public road, which runs

This is an appeal from a decision of the Chief Justice along the mauka side of the church lot, except when on a bill in Equity, in which the Complainant sets forth the ulaloa was rendered impassable by the winter rains, that she is the daughter of one Laanui, a native Chief of these Islands, deceased, leaving considerable property that the pathway was shifted from its original track so to which she and her brother Gideon are the only heirs. as to cross the Hoapili premises farther makai, and the That, Laanui died intestate, leaving a widow, Emelia restriction upon the use of it was continued, but with Puchu co-administratrix upon the Estate. That Puchu abated stringency, up to the time of Hoapiliwahine's procured a Royal Patent to be issued to G. Laanui, death, which occurred in the year 1842, two years affor her, Puohu, of a certain piece or parcel of land in ter that of her husband ; that after the death of Hoa-Honolulu, a description of which is set forth in her bill. piliwahine, the stone dwelling house and the premises She further alleges that this lot of land, of right bein question were almost entirely unoccupied for a numonged to the Estate of said Lannui, and that Puchu ber of years, and fell into a state of dilapidation ; that had no other than her right of dower in the premises. That she procured the Royal Patent to be issued, in her favor, by false and fraudulent representations, That she would not be entitled to any part of the real estate in fee simple, and, that said lot is more than one third of the value of the real estate of the said Laanui. There were some other allegations in the original bill which are not relied upon, or attempted to be enforced on the Appeal, so that the only question for our decision, is, the validity of the title of Puohu to the house tions given him in relation to enclosing the premises,

November 1850, and that the amount of the inventory opened, as a way to the Church; that soon after this Mr. John Ii being about to visit Lahaina on business, of the estate as rendered by the Administrators who were Mr. John Ii and E. Puohu was \$3,083 23, on the was requested by Governor Kekuanaoa to attend to 24th day of May 1851. On the 26th day of May this matter, and to set off a road for the people on the 1851, property, including this lot of land in Honolulu, makai part of the Hoapili premises, in accordance with amounting in value to \$1118 11 was assigned to Puothe prayer of their petition; that Mr. Ii accordingly, hu under the following agreement, viz: "It is hereby agreed by and between Puohu, the widow of G. Laanui deceased, and John Ii the Guardre opened the way and set off a road about twenty feet ian of the children and heirs of the said G. Lannui,

It appears in evidence that Mr. John Ii was appoint-

ed guardian of the minor children on the 4th day of

lot specified.

the said Puohu and is hereby received by her, in lieu, and in full satisfaction of her right of dower in said " In witness whereof we have hereunto set our hands and seals this 26th day of May, A. D. 1851."

that the above named property belonging to the Estate

of the said Lannul shall be and is hereby set apart to

(Signed) Joane Ii [L. S.] E. Puohu [L. S.] fendants, that the public have acquired a right of Signed and scaled in my presence. (Signed) W. L. Lee. It further appeared in evidence that the accounts of the guardian and the administrators were finally setof way by prescription, we are clearly of the opinion tled and the several bonds cancelled, and parties disthat it cannot be sustained. It appears by the evidence charged, and that a Royal Patent was issued of said that the ancient pathway from "Waiokama," through

lot of land in Honolulu to Puchu, on the 5th August It was alleged on the part of the complainant that unenclosed land, and not a public path for general use Puohu had obtained her title to the house lot surrepti-Or, if it can be considered to have been originally a public way, in a proper sense, its character as such was

By the common law of this Kingdom prior to the enactment of a law regulating guardians and wards approved 4th of August, 1851. Guardians had from ime immemorial possessed and exercised the absolute right to dispose of the real, and personal Estate of their wards as might suit their own will. It is very clear then that Mr. Ii the Guardian had the legal right to dispose of the real Estate of his wards. At the time the afore-aid agreement was made, it was a contingent interest, or claim to the lot in controversy, first to be awarded by the land Commission, and then a commutation to be made in order to procure a Royal Patent, which Puohu accomplished and not the heirs of Laanui. At most their interest was by the Land Commission Award, but 30 years. In the schedule to which was attached said agreement, and in which, were many articles of personal property, there was included "a house lot in Honolulu." valued at \$100. And the language is "that the above named property, belonging to the estate of the said Laanui shall be and hereby is set apart to the said Puonu, and is hereby received by her, in lieu, and in full satisfaction of her right of dower in said Estate." As between the parties this is a legal assignment of the property. The Guardian had a right to convey and the widow to receive the conveyance in the settlement. It is contended that this is not a legal conveyance because it was not acknowledged before some judicial authority. As between the parties that is not necessary. Acknowledgement and Registry only have efficiency in protecting innocent parties,-but granters and their heirs cannot shield themselves, and convey a second time, because the first grantees have failed to have their conveyance recorded. But it is argued that, in the year 1848, there was an express grant or dedication, to the public, of a right | It has been contended that evidence should be admitted of way to the church, over the Heapili premises, by Governor Kekuanaoa, while acting as the guardian of the plantiff of the pl from ambiguity, and therefor that the evidence was clearly inadmissible. The assignment in the present case is proved to have been signed, sealed and delivered To this it is objected that Governor Kekuanaoa was not the guardian of the plaintiff's estate; that even if in the presence of a witness, and placed among the pahe had been it is necessary for the defendants to show pers of the Estate in Court, and as between the present parties it can not be deemed void whatever might have a written grant, under seal, and for a valuable considbeen the case as to a subsequent purchaser without notice. But supposing the assignment was not sufficient in point of law to convey the lands, it would form a title in Equity sufficient to repel the Complainant's That Governor Kekuanaoa, in 1848, as the natural claim. It would authorize a Court to decree a Convey-ance of the legal Estate from the heirs of Laanui, if the legal Estate were in them. But it is said that the agement of the plaintiff's property, is, we think, too Privy Council must follow the award of the Land Comclear a proposition to admit of a question; and, that mission. Do they not do so in this case? They doubt-

less regarded the agreement for the relinquishment of THE UNDERSIGNED IS PREPARED TO RECEIVE made by Governor Kekuanaoa during the plaintiff's minority, and before the ensetment of section 54, of the rights of the heirs to this lot of land and thereare Lighters furnished for landing and delivering all goods the "Act regulating Guardians and Wards," passed the "Act regulating Guardians and Wards," passed to the assigns of the original claimant. And